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Applicant	: C. Brian Atkins	Art Unit	: 2179
Serial No.	: 10/675,823	Examiner	: Augustine, Nicholas
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Title	: SINGLE PASS AUTOMATIC PHOTO ALBUM PAGE LAYOUT		

Commissioner for Patents
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REPLY BRIEF

I. Introduction

Claims 1-21, which are the subject of this appeal, are pending.

The sole ground of rejection of the pending claims 1-21 is under 35 U.S.C. § 102(b) over Geigel (U.S. 2002/0122067).

II. The Examiner's response to the Appeal Brief and Appellant's rebuttal

1. Independent claim 1

a. Introduction

The rejection of independent claim 1 under 35 U.S.C. § 102(b) over Geigel should be withdrawn because Geigel neither expressly nor inherently discloses each and every element of the invention defined by the claim.

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b. The Examiner's response to Appellant's explanation that Burt does not disclose the "establishing" element of claim 1

The Examiner has responded to Appellant's explanation in § 3a on pages 8-13 of the Appeal Brief that Geigel does not disclose the "establishing" element of claim 1 (i.e., "establishing candidate binary trees, wherein each of the candidate binary trees comprises the current binary tree and a respective leaf node associated with another object selected from the set, and locations of the leaf nodes within each of the candidate binary trees correspond to relative positions of the associated objects within the area") with a series of arguments, each of which is addressed below.

i. Examiner's preliminary statement

The Examiner has made the following preliminary statement in response to Appellant's explanation that Geigel does not disclose the "establishing" element of claim 1 (see § R1 on page 8 of the Answer; emphasis added):

> ...For example please look at figure 9 and of course corresponding text relating to figure 9 (par.89). Geigel makes it clear of the structure of the binary tree and where the images are stored at in figure 8; in addition Geigel explains displaying the images and the output of the images in the end result in figure 9. As explained and depicted items 174, 176, and 178 are subgroups of a page 172 each of the subgroups contain two images 182, 184 and 186 when processed through the system the end result is that of 172 (PAGE 2) depicted in figure 9. ...

Contrary to this preliminary statement, neither of the tree structures that are shown in FIGS. 8 and 9 describes "where the images are stored at."

As explained on page 8-9 of the Appeal Brief, Geigel's page creator module assigns images in a collection to album pages based on a first genetic evolution algorithm. In this process, the page creator module evolves a genome that can be represented as the tree structures shown in FIG. 8 and on the left side of FIG. 9. In the tree structure shown in FIG. 9, for example, the root 168 represents the entire photo album, the intermediate nodes 170-172 represent individual pages (i.e., pages P1 and P2) of the album, the intermediate nodes 174-178

represent subgroups within the page 172, the leaf nodes 180 represent the images assigned to page 170, the leaf nodes 182 represent the images assigned to the subgroup 174 of page 172, the leaf nodes 184 represent the images assigned to the subgroup 176 of page 172, and the leaf nodes 186 represent the images assigned to the subgroup 178 of page 172. The subgrouping information is used by the page creator module for the purpose of scoring each of the image/page assignments in terms of unity (see, e.g., ¶¶ 97 and 115). Geigel's image placement module uses a second genetic evolution algorithm to generate genetic structures of page layouts for images that are assigned to a given page. The layouts shown on the right side of FIG. 9 correspond to "a possible layout solution" (¶ 89) that is determined by the image placement module (see, e.g., abstract, ¶¶ 88, 119). The image placement module, however, does not use the subgrouping information in the process of determining the positions of images on a page. Instead, the iamge placement module uses the parameters listed in Table 3 (page 9), which does not include any information relating to the assignment of images to subgroups.

Therefore, contrary to the Examiner's position, neither of the tree structures that are shown in FIGS. 8 and 9 describes "where the images are stored at."

ii. Examiner's first argument

The first argument made by the Examiner in the Answer is as follows (see § R1 on pages 7-8 of the Answer; emphasis added):

> ... The Examiner poses this scenario which is completely within the scope of Geigel that if one of the leaf nodes of 186 was the child of subgroup 174 (keeping in mind that 174 is an event an grouping of events along with image analysis of the details of the image determines the location of the picture) and one of the leaf nodes of 182 was the child of subgroup 178 then the position (location) of the images from one of the nodes from 182 and 186 will be in different locations then what is depicted in figure 9 (PAGE 2), thus leading to the undeniable fact that Geigel fully supports establishing candidate binary trees in which the "location of the leaf nodes within each of the candidate binary trees correspond to relative positions of the associated objects within the area. Note paragraphs 59-60, 64, 89 and 97 for further support of the ideas expressed above. ...

Geigel's disclosure does not support the conclusion that the Examiner has drawn from his hypothetical. In particular, switching the assignment of one of the leaf nodes 186 to subgroup 174 and switching the assignment of one of the leaf nodes 182 to subgroup 178 would simply change the assignment of the images to the subgroups 174, 178; it would not necessarily change the locations of those images on the page 172 (i.e., PAGE 2) because there is no correlation between the assignment of images to subgroups assigned to page 2 and the final locations of the images on page 2. Indeed, as explained on page 10, lines 16-22 of the Appeal Brief, the assignment of images to subgroups is used only for the purpose of scoring each of the image/page assignments in terms of unity (see, e.g., ¶¶ 97 and 115). Once the images have been assigned to pages, the subgrouping information is discarded; it is not transmitted to the image placement module for use in determining the positions of the images on the album pages (see, e.g., page 9, Table 3, which shows that the parameters used by the image placement module do not include any information relating to the assignment of images to subgroups).

Appellant provided a detailed explanation of the reasons why the sections of Geigel's disclosure cited by the Examiner (i.e., ¶¶ 59-60, 64, 89 and 97) do not support the Examiner's position (see pages 10-13 of the Appeal Brief). Inexplicably, however, the Examiner has not provided any rebuttal argument in response to this explanation. Without any rebuttal, the Examiner apparently has conceded the accuracy of Appellant's description of the contents of the cited sections of Geigel's disclosure. Therefore, the only reasonable conclusion is that Geigel does not support the Examiner's conclusion that the image placement module will position the selected images differently if their subgrouping assignments on page 2 are changed in accordance with his hypothetical.

iii. Examiner's second argument

The second argument made by the Examiner in the Answer is as follows (see § R1 on page 8 of the Answer; emphasis added):

> ...For instance note that an Event is a page, a sub event is a subgroup or pages and an event image is an image in a subgroup. In paragraph 97 Geigel points out "an image belonging to a sub event is grouped on the same page". The placement of a leaf node in a tree that was established (created by the system for purposes of

> data organization) clearly indicates the effectiveness of the end result in such that an images location on a page in an album can be solely determined by the placement of the leaf node inside of the binary tree, such as depicted in figure 8, if the images 166 corresponding to subgroup 158 where stored under subgroup 162 then it is present that the those images would be displayed in completely different positions in a different area, indicated as individual pages 156 instead of individual pages 150. ...

The following paragraphs respond to the points raised in the Examiner's second argument.

An event is not a page. Instead, Geigel's system simply tries to keep images belonging to the same event/sub-event assigned to the same page or adjacent pages. In particular, Geigel discloses that images are grouped by event and sub-event (see ¶ 60), the page creator module receives images that are sorted by event (see ¶ 77), and the page creator module assigns images to album pages based in part on a unity evaluation criterion that increases the fitness score for a given assignment of images to album pages based on the proximity of images belonging to events and sub-events across one ormore album pages (see ¶¶ 97 and 105-108).

In ¶ 97, Geigel discloses that the genome that is evolved by the page creator module (which only handles the assignment of images to album pages) attempts to assign images that belong to the same event/sub-event the same or subsequent pages based on the unity evaluation criterion that is applied to a given assignment of images to album pages.

As explained in § 3a on page 8 of the Appeal Brief, the positions of the leaf nodes within the tree structure shown in FIG. 8 do not correspond to relative positions of the associated images within an area (i.e., album page). Instead, the positions of the leaf nodes 166 assign the images to respective pages and to respective subgroups within the pages for the sole purpose of assigning images to pages (see, e.g., ¶¶ 97 and 115).

The Examiner's proposed reassignment of images 166 from subgroup 158 to 162 would result in the placement of the reassigned images on page 156 instead of page 150 (i.e., "...a different area," as acknowledged by the Examiner; emphasis added). Such a modification of Geigel's disclosure, however, would not alter the fact that the positions of the reassigned images in the modified tree structure would not "correspond to relative positions of the associated objects within the area," as recited in claim 1.

iv. Examiner's third argument

The third argument made by the Examiner in the Answer is as follows (see § R1 on page 8 of the Answer):

> ... Geigel refers figure 8 as a "possible layout solution" because it can be changed later, it is evident that figure 8 would result in a definite end result in such that images under specific subgroups will only be displayed under respective individual pages and the entire tree is a possible layout, which yields the fact that the tree is modifiable by the system. ...

In this argument, the Examiner apparently is responding to Appellant's explanation that the page layouts of the images on the exemplary Pages 1 and 2 shown in FIG. 9 correspond to "a possible layout solution" (¶ 89) that is determined by the image placement module (see, e.g., abstract, ¶¶ 88, 119) (see page 10 of the Appeal Brief). Contrary to the Examiner's assertion, however, the plain meaning of Geigel's disclosure that FIG. 9 "shows the encoding of an album with two pages and a possible layout solution that maintains the visual grouping relationships" (¶ 89) is that the page layouts shown on the right side of FIG. 9 correspond to one of multiple possible layouts that can be derived by the image placement module from the page assignment information received from the page creator module. Geigel does not support the Examiner's position that there is a definite correlation between the assignment of images to album pages by the page creator module and the relative positions of the images by the image placement module. As explained above and in the Appeal Brief (see, e.g., page 10, lines 16-22), the assignment of images to subgroups is used only for the purpose of scoring each of the image/page assignments in terms of unity (see, e.g., ¶¶ 97 and 115). Once the images have been assigned to pages, the subgrouping information is discarded; it is not transmitted to the image placement module for use in determining the positions of the images on the album pages (see, e.g., page 9, Table 3, which shows that the parameters used by the image placement module do not include any information relating to the assignment of images to subgroups).

v. Examiner's conclusion and Appellant's rebuttal

The Examiner has concluded his response to Appellant's point that Geigel does not disclose the "establishing" element of claim 1 as follows (see § R1 on page 8 of the Answer):

> ... With the current understanding it becomes clear that Geigel in fact teaches the same functionality (although different terminology) as the claimed limitations presented in claim 1" establishing candidate binary trees, wherein each of the candidate binary trees comprises the current binary tree and a respective leaf node associated with another object selected from the set, and the location of the leaf nodes within each of the candidate binary trees correspond to relative positions of the associated objects within the area"; also note page 13, column 1.

The Examiner has made no attempt whatsoever to explain how the image placement module takes into account the assignment information contained in the tree structure shown on the left side of FIG. 9 in order to generate the album page layouts shown on the right side of FIG. 9. Instead, the Examiner simply asserts without any support from Geigel's disclosure that the image placement module will position the images differently if their subgrouping assignments on page 2 are changed in accordance with his hypothetical. As explained above and in the Appeal Brief, however, the assignment of images to subgroups is used only for the purpose of scoring each of the image/page assignments in terms of unity (see, e.g., ¶¶ 97 and 115). Once the images have been assigned to pages, the subgrouping information is discarded; it is not transmitted to the image placement mode for use in determining the positions of the images on the album pages (see, e.g., page 9, Table 3, which shows that the parameters used by the image placement module do not include any information relating to the assignment of images to subgroups).

For the reasons explained above, Geigel does not disclose the "establishing" element of claim 1 and, for at least this reason, the rejection of independent claim 1 under 35 U.S.C. § 102(b) over Geigel should be withdrawn.

c. The Examiner's response to Appellant's explanation that Geigel does not disclose the "repeating" element of claim 1

The Examiner has responded to Appellant's explanation that Geigel does not disclose "repeating the establishing, the computing, and the selecting until the current binary tree includes all the objects in the set" (see § 3b on pages 13-16 of the Appeal Brief) as follows (see § R2 on pages 9-10 of the Answer; emphasis added):

> The Examiner does not agree. The repeating element of claim 1 is as follows: "repeating the establishing, the computing, and the selecting until the current binary tree includes all the objects in the set." Geigel describes his system as being able to process a set of images one at a time and not all at once hence "repeating" the process of establishing, computing and selecting. In paragraph 77 Geigel gives a summary of the overall architecture of the page layout system 124 in such that collection of images are inputted into the system and the system arranges these images in a fashionable manner that the user deems useful. This is done by computing the images by setting emphasis values on images so that images can be grouped and displayed together in the end result. The data structure choice to store the end result is a binary tree as depicted in figure 8 and the end result is depicted in at least figure 9 in such that one the system has processed the images and has established the tree the tree is then read by a viewer of the page layout system to present the page to the user as the user would deem useable means user preferences and the total over all processes from the page layout system. Thus the Examiner believes that Geigel does in fact teach repeating the establishing, the computing, and the selecting until the current binary tree includes all the objects in the set for at least the reasons stated above in R1 and R2 of this response. Further Geigel express an iteration (repeating) the establishing of a binary tree for use in the system in figure 2 and paragraphs 67 and 71.

Contrary to the Examiner's statement, however, the tree structure shown in FIG. 9 is not created by initiating a first current binary tree, associating a first object selected from a set of objects with the leaf node of the first current binary tree, and repeatedly establishing candidate binary trees each comprising the current and a respective leaf node associated with another object selected from the set, as recited in claim 1. Instead, Geigel expressly teaches that the page creator module assigns all of the images in the set to respective album pages, represents these

assignments by a tree structure, and then uses standard crossover and mutation operators to evolve the tree structure until a sufficient image assignment score is achieved (see, e.g., ¶¶ 88-90). In addition, the locations of the leaf nodes within the tree structure shown in FIG. 9 do not correspond to relative positions of the associated objects within the area, as recited in claim 1 (see the reasons explained above and in the Appeal Brief in connection with the "establishing" element of claim 1). Instead, the assignment of images to subgroups is used only for the purpose of scoring each of the image/page assignments in terms of unity (see, e.g., ¶¶ 97 and 115), not determining the relative positions of the images on a particular album page.

In the statement quoted above, the Examiner refers to "setting emphasis values on images so that images can be grouped and displayed together in the end result." The Examiner, however, has not ever pointed to a single emphasis value that is used by the image placement module to achieve the result desired by the Examiner. The failure to provide any actual support for this assertion is not surprising given the fact that the image placement module does not use the subgrouping information to determine the positions of the images on the album pages (see, e.g., page 9, Table 3, which shows that the parameters used by the image placement module do not include any information relating to the assignment of images to subgroups).

For at least these additional reasons, the rejection of claim 1 under 35 U.S.C. § 102(b) over Geigel should be withdrawn.

2. Dependent claims 2-7

a. Introduction

As explained on page 16 of the Appeal Brief, each of claims 2-7 incorporates the elements of independent claim 1 and therefore is patentable over Geigel for at least the same reasons explained above.

Appellant also explained that each of claims 3-5, and 7 also is patentable over Geigel for the additional reasons explained on pages 16-21 of the Appeal Brief. The Examiner's reply to these explanations and Appellant's rebuttal to this reply are discussed below.

b. Dependent claim 3

On pages 16-17 of the Appeal Brief, Appellant explained that the cited section (i.e., ¶ 57, lines 5-9) of Geigel's disclosure does not support the Examiner's position that Geigel discloses that the establishing of candidate binary trees comprises: removing a subtree of the current binary tree associated with a selected position within the current binary tree; inserting a new interior node into the current binary tree at the selected position; associating either a horizontal or a vertical partition of the area with the new interior node; inserting into the binary tree a new leaf node emanating from the new interior node; associating the new leaf node with the other object selected from the set; and inserting the previously removed subtree back into the binary tree at the new interior node, as recited in claim 3.

The Examiner replied to this explanation as follows (see § R3 on page 10 of the Answer):

> Examiner does not agree, Geigel expresses in paragraph 57 of the automated process of laying out a image on a page automatically. In figures 27-30 depicts various end results of a group of images that were processes differently to produce a different end result (layout), thus showing that image placement can be placed anywhere on the page, as suggested in paragraph 57.

The cited disclosure, however, does not disclose anything whatsoever about associating either a horizontal or a vertical partition of the area with the new interior node.

Paragraph 57, lines 5-9, lists the following functions that are performed by the page layout system in the process of discriminating images and information for subsequent page layout: clustering of images by event 28, detection of dud images 30, detection of duplicate images 32, recognition of facial features and certain other objects 34, audio to text conversion 36, and video summarization 38. None of these functions, however, involves associating either a horizontal or a vertical partition of the area with the new interior node.

FIGS. 27 and 28 show the effects of different values for the rotation spatial criterion on the positions of the images determined by the image placement module (see ¶¶ 139, 155, 158). This disclosure, however, does not have anything whatsoever to do with associating either a horizontal or a vertical partition of the area with the new interior node.

FIGS. 29 and 30 show the effects of different values for the rotational balance spatial criterion on the positions of the images determined by the image placement module (see ¶¶ 142, 155, 159). This disclosure, however, does not have anything whatsoever to do with associating either a horizontal or a vertical partition of the area with the new interior node.

For at least the additional reasons explained above and in the Appeal Brief, the rejection of claim 3 under 35 U.S.C. § 102(b) over Geigel should be withdrawn.

c. Dependent claim 4

Claim 4 depends from claim 3 and therefore is patentable over Geigel for at least the same reasons explained above in connection with claim 3.

d. Dependent claim 5

On pages 18-20 of the Appeal Brief, Appellant explained that the cited section (i.e., FIG. 35 and ¶ 57, lines 1-2) of Geigel's disclosure does not support the Examiner's position that Geigel discloses normalizing each of the candidate binary trees, wherein the normalizing comprises: for each of the interior nodes in the candidate binary tree, characterizing a respective bounding box for the objects included in the subtree rooted in the interior node; and for each of the objects, allocating a respective region of the area in accordance with the respective bounding box, as recited in claim 5.

The Examiner replied to this explanation as follows (see § R4 on pages 10-11 of the Answer):

> Examiner does not agree, Geigel discloses that images are placed by the system as well as there size and rotation and that each image is separate from other images, with this Geigel teaches "for each of the interior nodes in the candidate binary tree, characterizing a respective bounding box (Geigel system determines the scale, rotation and x/y placement of the image on a page) for the objects (image) included in the sub tree (sub group on page) rooted in the interior node", "for each of the objects, allocating a respective region (image placement/ layout of images) of the area (page of album) in accordance with the respective box (relation to other images of page, corresponding to the layout and placement of those images)" (figures 23-38; par.56-58).

The newly cited disclosure, however, does not disclose anything whatsoever about normalizing each of the candidate binary trees, wherein the normalizing comprises: for each of the interior nodes in the candidate binary tree, characterizing a respective bounding box for the objects included in the subtree rooted in the interior node; and for each of the objects, allocating a respective region of the area in accordance with the respective bounding box, as recited in claim 5.

FIGS. 23-38 show the effects of different values for the various spatial and balance criteria on the positions of the images determined by the image placement module (see ¶¶ 142, 155, 159). This disclosure, however, does not have anything whatsoever to do with characterizing a respective bounding box for the objects included in the subtree rooted in the interior node for each of the interior nodes in the candidate binary tree; nor does it have anything whatsoever to do with allocating a respective region of the area in accordance with the respective bounding box for each of the objects.

Paragraph 56 describes the overall functional diagram of the albuming automation system shown in FIG. 1. This disclosure, however, does not have anything whatsoever to do with characterizing a respective bounding box for the objects included in the subtree rooted in the interior node for each of the interior nodes in the candidate binary tree; nor does it have anything whatsoever to do with allocating a respective region of the area in accordance with the respective bounding box for each of the objects.

Paragraph 57 lists the following functions that are performed by the page layout system in the process of discriminating images and information for subsequent page layout: clustering of images by event 28, detection of dud images 30, detection of duplicate images 32, recognition of facial features and certain other objects 34, audio to text conversion 36, and video summarization 38. This disclosure, however, does not have anything whatsoever to do with characterizing a respective bounding box for the objects included in the subtree rooted in the interior node for each of the interior nodes in the candidate binary tree; nor does it have anything whatsoever to do with allocating a respective region of the area in accordance with the respective bounding box for each of the objects.

Paragraph 58 describes a generic overview of genetic algorithms. This disclosure, however, does not have anything whatsoever to do with characterizing a respective bounding box

for the objects included in the subtree rooted in the interior node for each of the interior nodes in the candidate binary tree; nor does it have anything whatsoever to do with allocating a respective region of the area in accordance with the respective bounding box for each of the objects.

For at least the additional reasons explained above and in the Appeal Brief, the rejection of claim 5 under 35 U.S.C. § 102(b) over Geigel should be withdrawn.

e. Dependent claim 7

On pages 20-21 of the Appeal Brief, Appellant explained that the cited sections (i.e., ¶ 90, lines 1-5, and ¶ 91, lines 2-7) of Geigel's disclosure does not support the Examiner's position that Geigel discloses that the computing of a respective score for each of the candidate binary trees comprises assessing minimum and maximum object size values for all the objects in the area and that the selecting of one of the candidate binary trees as the current binary tree based on the computed scores comprises selecting as the current binary tree the candidate binary tree having a greatest respective ratio of minimum area object size value divided by maximum area object size value.

The Examiner replied to this explanation as follows (see § R5 on page 11 of the Answer):

> Examiner does not agree, Geigel discloses in paragraphs 110-115, placing objects in order by chronological order, wherein the system will take an image and compare it to other images to create an ordered list from small to larger (earliest to present). The images have chronological values associated with them which represents an "object size value" which is a number used to compare to other images with numbers for image placement. Further Geigel also discloses assigning computed values to images in calculation of fitness (par.57 and 109).

The newly cited disclosure, however, does not disclose that the computing of a respective score for each of the candidate binary trees comprises assessing minimum and maximum object size values for all the objects in the area and that the selecting of one of the candidate binary trees as the current binary tree based on the computed scores comprises selecting as the current binary tree the candidate binary tree having a greatest respective ratio of minimum area object size value divided by maximum area object size value, as recited in claim 7.

In ¶¶ 110-115 Geigel discloses how to calculate the fitness score that is used by the page creator module in determining the assignment of images to album pages and describes examples of the effects of changes in the values of the preference and importance parameters on the assignment of images to album pages. The Examiner's position that "images have chronological values associated with them which represents an 'object size value' which is a number used to compare to other images with numbers for image placement" is unreasonable because it is contrary to the ordinary and accustomed meaning of the term "object size".[1] The chronological ordering of images described in ¶¶ 110-115 is performed independently of "object size" as that term would be understood by any reasonable person. Therefore, Geigel does not support the reasoning given by the Examiner in support of the rejection of claim 7.

Furthermore, there is no reasonable basis for the Examiner's position that a chronological value constitutes a "ratio of minimum area object size value divided by maximum area object size value", as recited in claim 7.

Paragraph 57 does not disclose that the computing of a respective score for each of the candidate binary trees comprises assessing minimum and maximum object size values for all the objects in the area and that the selecting of one of the candidate binary trees as the current binary tree based on the computed scores comprises selecting as the current binary tree the candidate binary tree having a greatest respective ratio of minimum area object size value divided by maximum area object size value, as recited in claim 7. Instead, ¶ 57 lists the following functions that are performed by the page layout system in the process of discriminating images and information for subsequent page layout: clustering of images by event 28, detection of dud images 30, detection of duplicate images 32, recognition of facial features and certain other objects 34, audio to text conversion 36, and video summarization 38. Paragraph 57 does not discloses anything about object sizes nor anything about a ratio of minimum area object size value divided by maximum area object size value.

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[1] In the context of the subject matter defined in claim 7, the noun "size" means "physical magnitude, extent, or bulk : relative or proportionate dimensions" (definition 3a, Merriam-Webster's Collegiate Dictionary, Tenth Edition, 1995)

Paragraph 109 does not disclose that the computing of a respective score for each of the candidate binary trees comprises assessing minimum and maximum object size values for all the objects in the area and that the selecting of one of the candidate binary trees as the current binary tree based on the computed scores comprises selecting as the current binary tree the candidate binary tree having a greatest respective ratio of minimum area object size value divided by maximum area object size value, as recited in claim 7. Instead, ¶ 109 describes an overview of the way in which the page creator module calculates a final fitness score for a given assignment of images to album pages. Paragraph 109 does not discloses anything about object sizes nor anything about a ratio of minimum area object size value divided by maximum area object size value.

For at least the additional reasons explained above and in the Appeal Brief, the rejection of claim 7 under 35 U.S.C. § 102(b) over Geigel should be withdrawn.

3. Independent claim 8

In the Appeal Brief, Appellant explained that independent claim 8 recites features that essentially track the pertinent features of independent claim 1 discussed above and, therefore, claim 8 is patentable over Geigel for at least the same reasons explained above in connection with claim 1 (see § 4 on page 22 of the Appeal Brief).

The Examiner did not attempt to rebut this explanation in the Answer.

4. Claims 9-14

In the Appeal Brief, Appellant explained that each of claims 9-14 incorporates the features of independent claim 8 and therefore is patentable over Geigel for at least the same reasons explained above in connection with claim 8 (see § 5 on page 22 of the Appeal Brief). The Examiner did not attempt to rebut this explanation in the Answer.

In the Appeal Brief, Appellant also explained that claims 10-12 and 14 also are patentable over Geigel for at least the same additional reasons explained above in connection with claims 3-5 and 7, respectively (see § 5 on page 22 of the Appeal Brief). The Examiner did not attempt to rebut this explanation in the Answer.

5. Independent claim 15

In the Appeal Brief, Appellant explained that independent claim 15 recites features that essentially track the pertinent features of independent claim 1 discussed above and, therefore, claim 15 is patentable over Geigel for at least the same reasons explained above in connection with claim 1 (see § 6 on page 22 of the Appeal Brief). The Examiner did not attempt to rebut this explanation in the Answer.

6. Claims 16-21

In the Appeal Brief, Appellant explained that each of claims 16-21 incorporates the features of independent claim 15 and therefore is patentable over Geigel for at least the same reasons explained above in connection with claim 15 (see § 7 on page 22 of the Appeal Brief). The Examiner did not attempt to rebut this explanation in the Answer.

In the Appeal Brief, Appellant also explained that claims 17-19 and 21 also are patentable over Geigel for at least the same additional reasons explained above in connection with claims 3-5 and 7, respectively (see § 7 on page 22 of the Appeal Brief). The Examiner did not attempt to rebut this explanation in the Answer.

III. Conclusion

For the reasons explained above, all of the pending claims are now in condition for allowance and should be allowed.

Charge any excess fees or apply any credits to Deposit Account No. 08-2025.

Respectfully submitted,

Date: October 15, 2008

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